

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**LAURA LEE PHILLIPS**

**a/k/a Goobe**

**CR. NO. 2:06cr023-WHA**

**MOTION FOR LEAVE TO AMEND INDICTMENT**

The United States of America moves this Court for leave to amend the indictment in this case. In support, the United States submits the following:

1. On January 20, 2006, a grand jury sitting for this district returned a two-count indictment against Defendant Laura Lee Phillips. In drafting the indictment, the United States inadvertently committed one typographical error. Specifically, in the last sentence of paragraph 2, the Indictment erroneously states that “**Long** did not reside in Louisiana,” when it should have stated that “**Phillips** did not reside in Louisiana.”

2. The United States acknowledges that a substantive amendment to an indictment after it has been returned by a grand jury is reversible error. See generally, Stirone v. U.S., 361 U.S. 212 (1960) (amendment to indictment violates the 5th Amendment Grand Jury Clause). However, if the amendment is merely to correct a clerical error, the amendment is permissible. U.S. v. Diaz, 190 F.3d 1247 (11th Cir. 1999) (no impermissible amendment of indictment when merely to correct nonprejudicial typographical error). Here the sole purpose of the amendment is to correct a clerical error. The amendment is not substantive

or prejudicial. Therefore, the amendment is permissible.

3. Defense counsel Daniel Hamm has been contacted and advises that he does not object to this amendment.

Therefore, the United States respectfully requests leave to amend the indictment to correct this typographical error.

Respectfully submitted this the 10th day of March, 2006.

LEURA GARRETT CANARY  
UNITED STATES ATTORNEY

/s/ Christopher Snyder  
CHRISTOPHER A. SNYDER  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Daniel G. Hamm.

/s/ Christopher Snyder  
CHRISTOPHER A. SNYDER  
Assistant United States Attorney